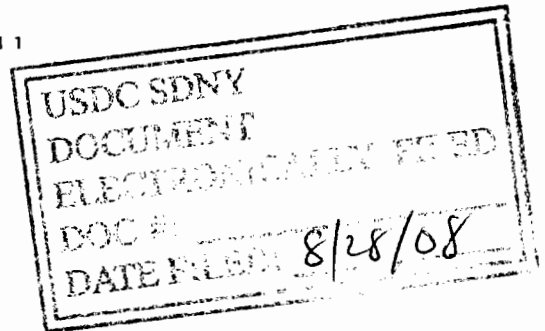


**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW  
250 PARK AVENUE  
NEW YORK, NEW YORK 10177-1211  
212.351.4500  
FAX: 212.661.0989  
EBGLAW.COM

JAMES G. MURPHY  
212.351.3717  
JMURPHY@EBGLAW.COM



AUG 29 2008

August 27, 2008

**VIA HAND DELIVERY**

The Honorable Alvin K. Hellerstein  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 1050  
New York, New York 10007

*So ordered  
8-28-08  
Alvin K. Hellerstein*

**MEMO ENDORSED**

Re: Novick v. AXA Network LLC, *et ano.*  
Case No. 1:07-cv-07767 (AKH)(KNF)

Dear Judge Hellerstein:

We represent Defendants AXA Network, LLC and AXA Advisors, LLC in this matter. We write to respectfully request on behalf of all parties an extension of the discovery deadline from September 30, 2008 to December 31, 2008. This is the first request for an extension of the discovery deadline and Plaintiff's counsel joins in this request. As required by the Court's individual rules, the following dates subsequent to the discovery deadline would be affected: dispositive motions to be filed by October 31, 2008; the parties are required to meet at plaintiff's counsel's office on November 12, 2008 to discuss settlement; and the second case management conference is scheduled for November 21, 2008. The proposed modifications would thus be the following: discovery deadline moved to December 31, 2008; dispositive motions to be filed by January 30, 2009; the parties are required to meet at plaintiff's counsel's office on February 12, 2009 to discuss settlement; and the second case management conference to be scheduled for February 24, 2009 (or such date as the Court's schedule would permit).

*27, 2009 @ 9:30 a.m.*

The requested extension is necessary for the following reasons. The parties have conducted a significant amount of discovery to date; interrogatories have been exchanged, Plaintiff has produced over 15,000 pages of documentation and Defendants have served over 7,000 pages of documentation exclusive of electronic discovery. Electronic discovery, however,

ATLANTA • CHICAGO • DALLAS • HOUSTON • LOS ANGELES • MIAMI  
NEWARK • NEW YORK • SAN FRANCISCO • STAMFORD • WASHINGTON, D.C.

EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C. IN TEXAS ONLY

NY:2836727v1

Honorable Alvin K. Hellerstein

August 27, 2008

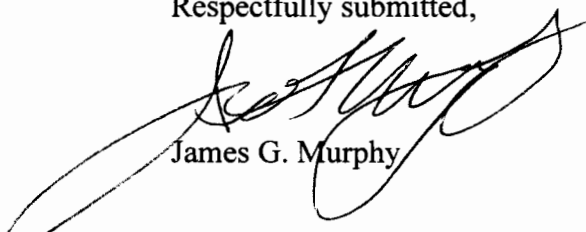
Page 2

has proven to be considerably more voluminous, complex and time consuming than originally anticipated. The email search covered a five year period, it was necessary to review emails and documents maintained by over 20 custodians, and involved searching Defendants' current and prior email systems. There were also a much larger number of documents than anticipated so Defendants retained 10 contract attorneys at significant cost to Defendants to assist in reviewing hundreds of thousands of pages of documents involved in the search. All told, after the extensive search and review, the Defendants have recently made available for review and inspection over 15,000 emails with attachments and attachments totaling more than 450,000 pages.

The volume and complexity of the electronic discovery has resulted in delays in the completion of other discovery, particularly depositions, which the parties had anticipated would have begun earlier in the summer, but have not. As a result, the parties request a three-month extension of the discovery deadline so that the parties can have sufficient time to review the electronic discovery, complete depositions and conduct any other necessary discovery.

Thank you for your consideration of this request.

Respectfully submitted,



James G. Murphy

cc: Amianna Stovall, Esq. (by facsimile)  
Eugene Small, Esq. (by facsimile)